

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JAMES GILLIAM et al.,

Plaintiffs,

-v-

DISCOVER BANK et al.,

Defendants.
-----X

22-CV-7513 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On November 16, 2022, Plaintiffs moved for default judgment against Defendant Discover Bank. *See* ECF No. 27. On December 10, 2022, Discover Bank opposed the motion, arguing primarily that it was not properly served because the attorney Plaintiffs served was not authorized to accept service on behalf of Discover Bank. *See* ECF No. 34.

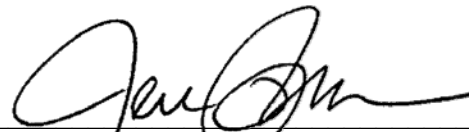
The motion for default judgment is DENIED, both because Discover Bank has a colorable argument that it was not properly served and, regardless, in light of the “strong preference for resolving disputes on the merits.” *New York v. Green*, 420 F.3d 99, 104 (2d Cir. 2005) (internal quotation marks omitted).

Defendant Discover Bank shall file an answer or otherwise respond to the complaint by **January 20, 2023**. The case otherwise will remain stayed. *See* ECF No. 34.

The Clerk of Court is directed to terminate ECF Nos. 27 and 31 and to mail a copy of this Order to Plaintiff Laura Gilliam.

SO ORDERED.

Dated: December 13, 2022
New York, New York



JESSE M. FURMAN
United States District Judge